

PART 286—DOD FREEDOM OF INFORMATION ACT PROGRAM REGULATION

Subpart A—General Provisions

- Sec.
 286.1 Purpose and applicability.
 286.2 DoD public information.
 286.3 Definitions.
 286.4 Policy.

Subpart B—FOIA Reading Rooms

- 286.7 Requirements.
 286.8 Indexes.

Subpart C—Exemptions

- 286.11 General provisions.
 286.12 Exemptions.

Subpart D [Reserved]

Subpart E—Release and Processing Procedures

- 286.22 General provisions.
 286.23 Initial determinations.
 286.24 Appeals.
 286.25 Judicial actions.

Subpart F—Fee Schedule

- 286.28 General provisions.
 286.29 Collection of fees and fee rates.
 286.30 Collection of fees and fee rates for technical data.

Subpart G—Reports

- 286.33 Reports control.

Subpart H—Education and Training

- 286.36 Responsibility and purpose.
 APPENDIX A TO PART 286—COMBATANT COMMANDS—PROCESSING PROCEDURES FOR FOIA APPEALS
 APPENDIX B TO PART 286—ADDRESSING FOIA REQUESTS
 APPENDIX C TO PART 286—DD FORM 2086, “RECORD OF FREEDOM OF INFORMATION (FOI) PROCESSING COST”
 APPENDIX D TO PART 286—DD FORM 2086-1, “RECORD OF FREEDOM OF INFORMATION (FOI) PROCESSING COST FOR TECHNICAL DATA”
 APPENDIX E TO PART 286—DD FORM 2564, “ANNUAL REPORT FREEDOM OF INFORMATION ACT”
 APPENDIX F TO PART 286—DOD FREEDOM OF INFORMATION ACT PROGRAM COMPONENTS
 AUTHORITY: 5 U.S.C. 552.
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Subpart A—General Provisions

§ 286.1 Purpose and applicability.

(a) *Purpose.* This part provides policies and procedures for the DoD implementation of the Freedom of Information Act, as amended (5 U.S.C. 552), and DoD Directive 5400.7,¹ and promotes uniformity in the DoD Freedom of Information Act (FOIA) Program.

(b) *Applicability.* This part applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Command, the Inspector General of the Department of Defense (IG DoD), the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as “the DoD components”). This part takes precedence over all DoD Component publications that supplement and implement the DoD FOIA Program. A list of DoD Components is at appendix F.

§ 286.2 DoD public information.

(a) *Public information.* (1) The public has a right to information concerning the activities of its Government. DoD policy is to conduct its activities in an open manner and provide the public with a maximum amount of accurate and timely information concerning its activities, consistent always with the legitimate public and private interests of the American people. A record requested by a member of the public who follows rules established by proper authority in the Department of Defense shall not be withheld in whole or in part unless the record is exempt from mandatory partial or total disclosure under the FOIA. As a matter of policy, DoD Components shall make discretionary disclosures of exempt records or information whenever disclosure would not foreseeably harm an interest protected by a FOIA exemption, but this policy does not create any right enforceable in court. In order that the public may have timely information concerning DoD activities, records requested through public information

¹Copy may be viewed via internet at <http://web7.whs.osd.mil/corres.htm>.